

REMARKS

Claims 1, 5 to 7 and 17 remain for consideration in this application. Claims 2 to 4 and 10 to 13 have been cancelled; and Claims 8,9 and 14 to 16 have been withdrawn. Claims 5 to 7 and 17 have been allowed.

Claim 1 is the only claim currently under rejection in this application. This claim is in the form appearing in the amendment prior to initial Office Action of July 11, 2003. This claim is the only claim under rejection; and Claim 1 has been rejected under 35 U.S.C. §102(e) as anticipated by the United States patents to Sheldon No. 6,108,914; Lingerfelt No. 5,901,448 or Kitz No. 5,979,064. All of these patents were provided to the Patent Office with applicant's information disclosure statement.

Applicant respectfully submits that for a claim to be rejected for a lack of novelty under 35 U.S.C. §102(e), the reference must disclose every limitation recited in the rejected claim. As stated in MPEP §2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ 2<sup>nd</sup> 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim."

1        *Richardson v. Suzuki Motor Co.*, 868 F2nd 1226, 1236, 9 USPQ  
2        2<sup>nd</sup>, 1913, 1920 (Fed. Cir. 1989). "The elements must be  
3        arranged as required by the claim."

4        Applicant respectfully traverses the rejections under 35  
5        U.S.C. §102(e) of all of the claims as anticipated by Sheldon No.  
6        6,108,914; Lingerfelt No. 5,901,448; or Kitz No. 5,979,064 as being  
7        improper. Contrary to the Examiner's position that all of the  
8        elements of Claim 1 are disclosed in each of these references,  
9        applicant respectfully submits that none of these references  
10       include each and every element of Claim 1 in as complete detail as  
11       contained in Claim 1, arranged as required by the claim.  
12

13       Since the Sheldon patent was the first mentioned in rejecting  
14       Claim 1 as anticipated under §102, applicant first will consider  
15       the disclosure of Sheldon. As is readily apparent from an  
16       examination of all of the different figures of Sheldon, Sheldon  
17       employs lengths of line which are retained in a serpentine path on  
18       the head by means of retainer wedges at approximately the midpoint  
19       of the line, with the two opposite ends of the line extending  
20       radially outwardly from the flange. There is no line termination  
21       aperture for an end of the line. The retainers, such as the  
22       retainers 96 and 98 to which reference specifically has been made  
23       by the Examiner, simply act as wedges in the form of part of the  
24       line guide path, which includes similar wedges 88 and 86 on one  
25  
26

1 side and wedges 82 and 84 on the other side. There is nothing in  
2 the form of a line end termination aperture on the top surface of  
3 the circular flange of the head.

4 The Lingerfelt patent has a string trimmer head in the form of  
5 a circular disk, with pairs of holes formed vertically through the  
6 disk, parallel to the hub or axis of rotation. These holes are  
7 located in pairs spaced close together, for the purpose of securing  
8 a loop or length of line the midpoint of which extends above the  
9 holes and the ends of which both extend outwardly to form adjacent  
10 pairs of extended cutting lines. There is no line exit opening on  
11 the circumference of the string trimmer head of Lingerfelt. There  
12 also is no line guide means on the flange between such a line exit  
13 opening on the circumference and an opening on the top surface of  
14 the flange. There also is no line end termination aperture on the  
15 top surface of the flange; nor is there any means for effecting  
16 frictional engagement between the line guide means and the line end  
17 termination aperture.  
18

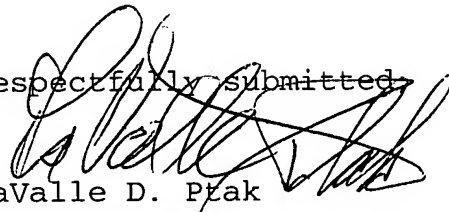
19 The Kitz patent is similar in structure to that of Sheldon.  
20 A length of line extends through circumferential openings on  
21 opposite sides of the central hub, and is held in place by a  
22 serpentine set of guide ribs. The ribs have slots in them for  
23 gripping or squeezing the bight of line passing through them.  
24 While there is a circular flange with at least one trimmer line  
25  
26

1 opening on the circumference, there is no guide between this  
2 opening and an opening on the top surface of the flange. Kitz also  
3 does not have at least one line end termination aperture on the top  
4 surface of the flange offset from the line guide means; nor is  
5 there any means in Kitz for effecting frictional engagement between  
6 the line guide means and the line end termination aperture. Both  
7 ends of a length of line used in the Kitz head extend outwardly on  
8 opposite sides, through the circumferential exit openings. No line  
9 end termination aperture is present in Kitz at all.  
10

11 Since the elements discussed above are not present in any one  
12 of the three patents to Sheldon, Lingerfelt or Kitz, there is no  
13 support for the rejection of independent Claim 1. Since the only  
14 rejection of Claim 1 is one of anticipation under 35 U.S.C. §102(e),  
15 applicant respectfully submits that, contrary to the Examiner's  
16 position that all of the elements of Claim 1 are disclosed by  
17 Sheldon, Lingerfelt or Kitz, the rejection of Claim 1 clearly is  
18 unsupported, as detailed above. The rejection of Claim 1  
19 consequently is traversed as improper and failing to meet the  
20 requirements of MPEP §2131. As a consequence, applicant  
21 respectfully requests withdrawal of the rejection of Claim 1; and  
22 respectfully requests allowance of Claim along with previously  
23 allowed Claims 5 to 7 and 7 to 17. A formal Notice of Allowance of  
24  
25  
26

1 all of the claims now appearing in this application is respectfully  
2 solicited.

3 Respectfully submitted,

4   
5 LaValle D. Ptak  
6 Registration No. 19,877  
7 LAW OFFICES OF LAVALLE D. PTAK  
8 28435 N. 42<sup>ND</sup> Street  
9 Cave Creek, AZ 85331  
10 Telephone: (480) 419-9019

11 Date: 3/15/05